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President vs. Cooper-Church

From the time of the framing of the Constitution it has been the generally accepted view of the American system of checks and balances that "the President proposes, the Congress disposes." Curiously, for a man who has served in both houses of the legislative branch, President Nixon appears to favor a much narrower interpretation of the role of Congress.

In his strong opposition to the Senate's Cooper-Church amendment restricting military action in Cambodia, as in his earlier adamant stand on the Carswell nomination to the Supreme Court, Mr. Nixon seems to be suggesting a philosophy of government that might be described as "the President imposes, Congress reposes." This is certainly not what the Founding Fathers had in mind when they spelled out the responsibilities of the Executive and the Legislature in the Constitution.

The Administration has called on a House-Senate conference committee to strike the Cooper-Church amendment from the foreign military sales bill because, it argues, "the restraints imposed by this section appear to affect the President's exercise of his lawful responsibilities as Commander-in-Chief of the armed forces." They do no such thing.

The Cooper-Church amendment in no way inhibits the President's legitimate command over troops already committed in Vietnam to a war which has been accepted—although never formally declared—by Congress. It does forbid any new commitment of troops to a wider war in another country without the prior consent of Congress.

This is no more than a reaffirmation of the Constitutional responsibility of Congress to declare war. To argue that the President has the authority to initiate military action in a foreign country on his own is to claim powers for the Commander-in-Chief that were never intended by the Constitution and that are inimical to a free society.

The action of the generally hawkish Senate Armed Services Committee in writing new restrictions on Cambodian operations into another defense measure this week should serve as further warning to the President that many members of Congress, including some who share his own views on Indochina, are tired of being treated as rubber stamps. Mr. Nixon would better serve his own stated purpose of disengagement from Southeast Asia if he stopped fighting the efforts of the legislative branch to reassert its constitutional role in the formulation of foreign policy.